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8 DAMON L. DIXON,
9 Petitioner,
10 v.
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12 WARDEN,
13 Respondent.
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15 Case No. 20-05846 EJD (PR)
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17 **ORDER ADOPTING REPORT AND**
18 **RECOMMENDATIONS; OF**
19 **DISMISSAL**
20
21 (Docket No. 8)

22 On August 19, 2020, Petitioner, a state prisoner, filed a petition for a writ of habeas
23 corpus pursuant to 28 U.S.C. § 2254, Dkt. No. 1, which was assigned to the Honorable
24 Magistrate Judge Thomas S. Hixson. Dkt. No. 3. Petitioner filed consent to proceed
before a magistrate judge. Dkt. No. 4.

25 On September 22, 2020, Judge Hixson denied Petitioner's motion for leave to
26 proceed in forma pauperis, Dkt. Nos. 5, 6, because his trust account statement showed
27 sufficient funds to pay the \$5.00 filing fee, and directed Petitioner to pay the fee within
twenty-eight days of the order to avoid dismissal. Dkt. No. 7. The time passed, and
Petitioner did not pay the filing or otherwise communicate with the Court. Accordingly,
on December 1, 2020, Judge Hixson directed the matter be reassigned to a district judge
with a report and recommendation that the petition be dismissed without prejudice to filing
a motion to reopen the action, accompanied by the full filing fee. Dkt. No. 8. The matter

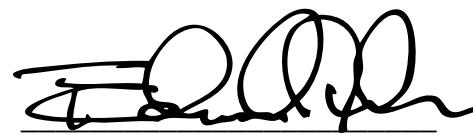
1 was reassigned to the undersigned on December 2, 2020. Dkt. No. 9.

2 The Court adopts the Report and Recommendation of Judge Hixon in full.
3 Petitioner has failed to pay the \$5.00 filing fee in the time provided and has had no further
4 communication with the Court. Accordingly, the action is **DISMISSED** without prejudice
5 for failure to pay the filing fee.

6 This order terminates Docket No. 8.

7 **IT IS SO ORDERED.**

8 Dated: 12/9/2020



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EDWARD J. DAVILA
United States District Judge